

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

MARLIN LUSTGRAAF,

Plaintiff,

vs.

SUNSET FINANCIAL SERVICES,  
INC., AND BRYAN S. BEHRENS,

Defendants.

CASE NO. 8:08-CV-00335-LSC-FG3

JEAN (J.P.) POOLE & DEE POOLE,  
TRUSTEES OF THE POOLE FAMILY  
TRUST,

Plaintiffs,

VS.

SUNSET FINANCIAL SERVICES,  
INC., AND BRYAN S. BEHRENS,

Defendants.

CASE NO. 8:08-CV-00399-LSC-FG3

MILO VACANTI,

Plaintiff,

VS.

SUNSET FINANCIAL SERVICES,  
INC., AND BRYAN S. BEHRENS,

Defendants.

CASE NO. 8:08-CV-00436-LSC-FG3

WILLIAM GREEN AND JOANN  
GREEN,

Plaintiffs,

vs.

SUNSET FINANCIAL SERVICES,  
INC., AND BRYAN S. BEHRENS,

Defendants.

CASE NO. 8:09-CV-00013-LSC-FG3

MILO VACANTI,

Plaintiff,

vs.

SUNSET FINANCIAL SERVICES,  
INC., AND BRYAN S. BEHRENS,

Defendants.

CASE NO. 8:09-CV-00044-LSC-FG3

### **ORDER**

This matter is before the court on the motion of Plaintiffs for leave to depose Bryan S. Behrens (Inmate Register No. 22932-047), a federal prisoner, who is in the custody of the Federal Bureau of Prisons and is serving a term of incarceration at the Federal Correctional Institution in Terra Haute, Indiana; and for an order directing the Warden of the Federal Correctional Institution in Terra Haute to produce Mr. Behrens for deposition by Plaintiffs at a date and time to be determined after consultation with the appropriate personnel of the Federal Bureau of Prisons, consultation among counsel for the parties, and a conference with the

court if necessary. (Filing 166, Case No. 8:08-CV-00335; Filing 165, Case No. 8:08-CV-00399; Filing 156, Case No. 8:08-CV-00436; Filing 118, Case No. 8:09-CV-00013; and Filing 83, Case No. 8:09-CV-00044.) The court, being fully advised in the premises, finds that Plaintiffs' Motion for Leave to Depose Federal Prisoner should be granted.

IT IS ORDERED that Plaintiffs and Defendant Sunset Financial Services Inc. are granted leave of this court to depose Bryan S. Behrens. The Warden of the Federal Correctional Institution in Terra Haute shall produce Bryan S. Behrens for deposition by Plaintiffs and by Defendant Sunset Financial Services Inc. at the Federal Correctional Institution in Terra Haute at a date and time to be determined after consultation with the appropriate personnel of the Federal Bureau of Prisons and consultation among counsel for the parties.

IT IS FURTHER ORDERED that the deposition(s) shall not be limited to the seven hour or one day periods referenced in Federal Rule of Civil Procedure 30(d)(1).

IT IS FURTHER ORDERED that Plaintiffs' and Sunset Financial Services Inc.'s deposition(s) of Bryan S. Behrens shall be taken for use at trial and for all purposes permitted under the Federal Rules of Civil Procedure, shall be recorded by stenographic means, and may be videotaped.

DATED May 20, 2011.

BY THE COURT

S/ F.A. Gossett, III  
United States Magistrate Judge